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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	Case No.: 2:14-cr-207-LDG-VCF
)	
Plaintiff,)	UNITED STATES' REPLY IN SUPPORT OF
)	APPEAL FROM MAGISTRATE JUDGE'S
vs.)	ORDER
)	
MICHAEL BLUMENTHAL,)	
)	
Defendant.)	
)	
)	

The United States of America, by and through Daniel G. Bogden, United States Attorney, and Sarah E. Griswold, Assistant United States Attorney, submits this Reply in Support of Appeal from Magistrate Judge's Order (Doc. 25).

First, the United States hereby withdraws any and all argument in support of the defendant's detention based on the defendant's statements to law enforcement pursuant to a proffer agreement. (*E.g.*, Doc. 25 at 1:22-23, 5:6-15.) The United States requests that the court not consider the statements the defendant made to Pretrial Services when he was not under oath.

1 If the defendant wishes to present statements to the court, he should testify under oath in court
2 and be subject to cross-examination and impeachment.

3 Second, since the United States filed the instant appeal, the undersigned has obtained a
4 second letter from Canada's Department of Justice explaining that there is "no mechanism in
5 Canadian law to enforce" an anticipatory waiver of extradition. (Ex. 1 at 2.)

6 Third, the Canada Border Services Agency's website makes clear that a Canadian
7 citizen may return to Canada without a passport. (Ex. 2.)

8 The defendant led a multimillion dollar investment fraud that victimized hundreds of
9 people. He personally profited \$4,000,000. He is facing a prison sentence of 14 or more years
10 after trial. He has lived his entire life in Canada, his wife and two young children live in
11 Canada, and returning to Canada requires little or no documentation. The defendant has no
12 reason to stay in this country and face the instant charges. If he returns to Canada and to his
13 family, extradition proceedings could take years.

14 For the reasons set forth above and in the underlying appeal, the United States
15 respectfully asks this Court to reverse the magistrate court's and to order the defendant detained
16 pending trial as a risk of nonappearance.

17 DATED this 30th day of July, 2014.

18 DANIEL G. BOGDEN
19 United States Attorney

20 /s/ Sarah E. Griswold
21 SARAH E. GRISWOLD
22 Assistant United States Attorney
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CERTIFICATE OF ELECTRONIC SERVICE

This is to certify that the undersigned has served the foregoing UNITED STATES' REPLY IN SUPPORT OF APPEAL FROM MAGISTRATE JUDGE'S ORDER on counsel of record by means of electronic filing.

DATED this 30th day of July, 2014.

/s/ Sarah E. Griswold
Sarah E. Griswold